

**THE MINUTES
FOR THE FEBRUARY 1, 2011
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
MEETING AT 6:00 P.M.**

Present: Mayor Doll, Trustees Kehoe, Maline, McMullen and Tobin, Village Attorney James Matthews, Village Clerk Donna Koch, Village Administrator Gene Guido.

ANNOUNCEMENTS:

PUBLIC HEARING(S)

PUBLIC PARTICIPATION:

Several residents were at tonight's meeting to talk about the recently sent out bills for sewer fees. Effie Huber stated she had "googled" the average homeowner's water usage. The results were 70 gallons per day per person. Her bill was close to \$700.00. which would reflect using almost double that amount.

Village Attorney James Matthews explained that there is an appeal process for anyone who felt their bill was high due to unusual circumstances.

Victor Howard questioned the method of calculating the bill. Trustee Tobin stated he would be happy to go over the calculations with him.

Judy Gorevic, questioned why a cover letter was never sent. The Board apologized for the oversight. Ms. Gorevic also questioned if all monies received would go directly to operating the plant. The Board responded absolutely.

Bill Freedman of Woodbine Ave. state that for 90 years the Village has had a sewer system where the entire Village has paid. This is a revenue producing item. If you really want to be fair everyone hook-up would pay one hundred percent of the costs. Because of the sewer system I can live in my house because of the sewer system we have a Main Street. One-third of this Village cannot survive without the sewer system. BUT the Village cannot retroactively charge. I can guarantee there will be a lawsuit regarding the retroactivity. Mr. Freedman stated that major sprinkler system should install a sub-meter.

Pete Panarites questioned when the bill was passed by the Board. The Clerk responded it was voted on Tuesday August 3rd, and mailed to Albany for filing then next day. Mr. Panaries questioned the nitrogen levels at the sewer plant and asked where they stand today. Trustee Kehoe responded the nitrogen levels are where they have been for the last several years. Mr. Panarites stated he has meet with other business owners as well

as previous Mayors and this fee will be challenged. Mr. Panarites felt that a straight flat fee would have been a better idea.

Paul Ilewellen of Harbor Point questioned if reducing the Police force by one would create the revenue we are looking for, also maybe laying off people in the clerk's office. The Board explained that our Police force is running on the bare minimum as it is.

Paul Gallowitsch Jr. read the following statement from his father Paul:

Northport, Good evening, my father Paul Gallowitsch, is out of town and he asked me to read this into the record.

When I opened the morning mail from the Village of Northport last week, I was confused. I wasn't sure what this was. At first I thought for sure there must be a mistake. I had several bills with a newly created tax called "sewer rental fees". I thought it was for \$300. And they had added a "zero" by mistake. But no, I looked again it was a bill for \$3,000.00! A second bill was not for \$350.00 no, it was \$3,500.00. What a way to start the day. The phone started to ring off the hook with everyone asking "Did you open your mail from the Village today? Can you believe this?" I was not the only one with large bills, but mine were some of the highest. Numbers ranged anywhere from \$400., \$1000, \$2000.00 and up. My total of \$7500.00 was payable by February 28th with a 1.5% penalty added every month after that date. And to make matters worse, these bills were retroactive for one year.

The entire country is experiencing difficult financial times and high unemployment. In this climate, what is the board thinking? How do they expect me to come up with this kind of money and on such short notice?

Everyone knows business in Northport in the winter months is quite a struggle. Businesses must save their money from the summer to survive the winter. It's been like that for all 33 years that I have been in business in the Village.

I am very much aware of Northport's budget crunch and high sewer maintenance expenses. In order to hold the new budget to an increase of around 6% the board removed a portion of the sewer expenses and created this new tax. This new tax is just creative financing.

To understand how out-of-proportion this tax is, consider this: my Village tax for the Bistro last year was \$4100.00 the newly created sewer tax would add \$3000.00. That is almost a 100% increase on this property. My other properties face similar dilemmas.

You may recall this is a sewer rental fee rather than a tax, but that's just semantics. As far as I'm concerned, this is a tax. A rose by any other name is still a rose.

As a business owner, I know my expenses and I budget accordingly. I can't spend more than I take in. If for any reason unexpected expenses occur, I have to cut back. The quickest way to achieve this is by laying off the labor. Because the Village of Northport did not give me a chance to budget correctly, there will be dire consequences for me. We need a certain amount of staff to run my business efficiently. In the winter, staff is already kept to a minimum.

For the past 33 years I have invested a lot of money and effort in this beautiful Village of Northport and I hope I have made a positive impact. I am not opposed to contributing to a sewer tax, but it should be reasonable for everyone. It should make sense, be affordable, not retroactive, and phased in. Thank you, Paul Gallowitsch

Mayor Doll explained that the Village of Northport did not invent the water usage, we have followed the same procedures as other municipalities.

Judy Gorevic questioned homeowners' who need to empty their cesspools where is that sludge taken? That is taken down to places like Bergen Point and not the Northport Sewer Plant.

Bill Freedman of Woodbine Ave stated he has never seen the water so clean and that in part is due to the sewer plant running efficiently.

BOARD APPROVAL OF WARRANT:

On the motion of Trustee McMullen and seconded by Trustee Maline the following bills were approved for payment.

Fiscal Year 2010/2011 General Fund bills in the amount of \$ 101,149.74

On the motion of Trustee Kehoe and seconded by Trustee McMullen the following bills were approved for payment.

Fiscal Year 2010/2011 Capital bills in the amount of \$ 413.15

TREASURER REPORT:

COMMISSIONER REPORTS: Mayor Doll reported that as of today the Village has spent close to \$100,000 on the recent snow storms.

CHIEF OF POLICE REPORT: In the interest of time the Chief had nothing to report.

ADMINISTRATOR REPORT: Mr. Guido went over the four resolutions on tonight's agenda.

NEW BUSINESS: no new business was discussed this evening.

OLD BUSINESS: no old business was discussed this evening.

REQUESTS: 1. Request from Visiting Nurse to hold 11th Annual 5k race/walk Saturday May 7, 2011 8:00 AM 10:30 AM. The Board approved this request stating that the Visiting Nurse organization would be charged \$400.00 to cover the cost of Police overtime.

2. St. Pauls Church Farmers Market sings. The Board agreed to allow the signs to remain up in 8 locations

CORRESPONDENCE:

RESOLUTIONS:

On the motion of Trustee Kehoe and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2011– 11 ~ APPROVAL OF THE DECEMBER 21, 2010 MINUTES

WHEREAS: Copies of the minutes of the December 21, 2010, meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

On the motion of Trustee McMullen and seconded by Trustee Tobin the following resolution was unanimously approved.

RESOLUTION 2011– 12 ~ APPROVAL OF THE JANUARY 4, 2011 MINUTES

WHEREAS: Copies of the minutes of the January 4, 2011 meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

On the motion of Trustee Kehoe and seconded by Trustee McMullen with Trustee Maline abstaining the following resolution was approved.

RESOLUTION 2011– 13 ~ APPROVAL OF THE JANUARY 11, 2011 MINUTES

WHEREAS: Copies of the minutes of the January 11, 2011 meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

On the motion of Trustee Kehoe and seconded by Trustee McMullen with Trustee Maline abstaining the following resolution was approved.

RESOLUTION 2011– 14 ~ APPROVAL OF THE JANUARY 18, 2011 MINUTES

WHEREAS: Copies of the minutes of the January 18, 2011 meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

On the motion of Trustee Kehoe and seconded by Trustee Kehoe the following resolution was unanimously approved

RESOLUTION 2011 – 15 ~ ENGINEERING SERVICES

BE IT RESOLVED: Gannett Fleming Engineers P.C. is hereby retained to provide assistance to the Village by preparing the Grant Project Work Plan for the Wastewater Treatment Plant. Gannett Fleming will prepare the draft document, review with the Village, and assist in preparation of the final transmittal, per proposal dated 1/31/2011 in an amount not to exceed \$2,400.00.

On the motion of Trustee Tobin and seconded by Trustee Kehoe the following resolution was unanimously approved.

RESOLUTION 2011 – 16 ~ ENGINEERING SERVICES

BE IT RESOLVED: Gannett Fleming Engineers P.C. is hereby retained to provide assistance to the Village by preparing the Grant Project Work Plan for the Stormwater Management and Groundwater Recharge. Gannett Fleming will prepare the draft document, review with the Village, and assist in preparation of the final transmittal, per proposal dated 1/31/2011 in the amount not to exceed \$2,100.00.

On the motion of Trustee McMullen and seconded by Trustee Mailne the following resolution was unanimously approved

RESOLUTION 2011 – 17 ~ ENGINEERING SERVICES

BE IT RESOLVED: Gannett Fleming Engineers P.C. is hereby retained to provide assistance to the Village by reviewing the WWTP upgrades and related sewer system costs. In addition they will start the establishment of a reasonable and cost effective strategy, which would enable the Village to seek funding to achieve its goals, per proposal dated 1/31/2011 in the amount not to exceed \$4,000.00

The following resolution was rejected.

RESOLUTION 2011 – 18 ~ VILLAGE DRAINAGE FUND

BE IT RESOLVED: Northport Village will accept in lieu of the required driveway drainage at 35 Vista Drive, \$1,000.00 into the Village Drainage Fund, from Morris Properties.

On the motion of Trustee Kehoe and seconded by Trustee Tobin the following resolution was unanimously approved

RESOLUTION 2011-19 ~ ESTABLISHING PROCEDURE FOR OBTAINING ADJUSTMENT OF SEWER RENTS

The Village Board of Trustees hereby adopts the following procedures for obtaining an adjustment of sewer rents as provided for in code §239-32 and shall apply to the Sewer Rent bills originally issued in January of 2011:

1. Owners of property subject to sewer rents shall have the right to request an adjustment of the sewer rent. Such requests shall be made in writing on the attached form, which form may be revised from time to time, together with all documentary or other evidence to support the claim that the water usage amounts used to calculate the sewer rent bill does not accurately indicate the amount of discharge into the sewer system from the property.
2. The Village Administrator shall be responsible to manage this appeal process.

The Village Administrator shall investigate all appeals, meet with property owners, and inspect the property as needed to make a recommendation to the Board of Trustees.

3. The Board of Trustees shall make the final determination of all requests for sewer rent adjustments.
4. Written requests for sewer rent adjustments must be filed no later than March 15, 2011.
5. The due date for payment of sewer rent bills shall be extended without penalty until June 1, 2011.

RESOLUTION 2011-20

Authorizing retention of Peter D. Johnson, Esq. as outside counsel to represent the Village in tax certiorari matters as designated by the Mayor at the rate of \$150 per hour.

A RESOLUTION FOR AN EXECUTIVE SESSION: if necessary, for personnel and/or litigation matters.

On the motion of Trustee McMullen and seconded by Trustee Moline the Board moved into executive session: 9:20 PM.

On the motion of Trustee Kehoe and seconded Trustee Tobin the Board moved out of executive session: 9:50 PM.

The next regular meeting of the Board of Trustees will be Tuesday February 15, 2011 at 6:00 PM, Northport Village Hall 224 main Street Northport, NY 11768

Meeting adjourned: 9:55 PM.

Respectfully submitted,

Donna M. Koch,
Village Clerk